

EXHIBIT E

PART 3

1 Q. Was it in the presence of Mr. Hartman?

2 A. No.

3 Q. Why was that inserted?

4 A. Because we had realized the error of
5 the 532, naming the 532 that I discussed
6 earlier.

7 Q. Did you have any conversations with
8 Mr. Hartman about that error before you wrote
9 that notation?

10 A. We -- I believe we had discussed it,
11 yes.

12 Q. And --

13 A. Not that day, not yesterday but
14 previously.

15 Q. Is that the catalyst, if you will, that
16 brought about the change in the report?

17 A. No. The change was realizing that it
18 was an error and wanting to -- we were thinking
19 of writing a corrected report because of that
20 error.

21 Q. Did you have the conversation with
22 Mr. Hartman where this error was discussed?

23 A. I believe I have had a conversation
24 where it has been mentioned with him. I can't

1 recall the conversation.

2 Q. Tell the court if you would all the
3 details of that conversation.

4 A. I cannot recall the details of that
5 conversation.

6 Q. The only thing you recall is that you
7 and he had a conversation --

8 A. Regarding that error.

9 Q. -- wherein there was discussed an issue
10 regarding the erroneous reference to a
11 Model 532?

12 A. Yes, I brought it up.

13 Q. What's the correct reference?

14 A. Again, I am not certain as to the
15 correct model number.

16 Q. Have you ever learned the correct model
17 number?

18 A. No, sir.

19 Q. How could you determine that it is an
20 error if you don't know the correct one?

21 A. Because the 532 would not be consistent
22 with the footswitch that was in use at the time.

23 Q. Yeah, but this is referring to the
24 footswitch that was sold in 1978. This isn't

1 referring to the footswitch -- notice here,
2 Manual for the subject machine illustrates a
3 Linemaster footswitch which based upon the
4 interrogatories document production of Heim is a
5 Model 532-SWH; do you see that?

6 A. I see that.

7 Q. Is that an error?

8 A. Yes.

9 Q. And have you how determined that to be
10 an error if you don't know what the actual model
11 was that was sold in 1978?

12 A. I believe it is an error because --
13 well, first, it was error to name a model in the
14 first place in that Heim though they provided
15 the -- that specification sheet that I discussed
16 earlier, also in the interrogatories noted that
17 they had no proof as to it being the correct
18 model number.

19 Q. Do you know what model Heim sold in
20 1978 with this press brake?

21 A. I do not.

22 Q. Do you know if it was even a Linemaster
23 footswitch?

24 A. I do not know what Heim sold.

1 Q. Do you know of anyone that knows the
2 details, the manufacturer with a model number of
3 the foot control that accompanied the sale of
4 Heim's press brake in 1978?

5 MR. HARTMAN: Other than Professor Barnett.

6 MR. ROBINSON: No, not other than
7 Professor Barnett.

8 BY MR. ROBINSON:

9 Q. Do you know of anyone that does.

10 A. I believe Professor Barnett does.

11 Q. What does -- I just talked to him. He
12 doesn't know either.

13 MR. HARTMAN: Well, I object to the form of
14 the question because that is not what that
15 witness testified over six hours.

16 BY MR. ROBINSON:

17 Q. Okay, what -- besides Mr. Hartman's
18 comment --

19 MR. HARTMAN: And your misstatement of the
20 record.

21 BY MR. ROBINSON:

22 Q. -- what makes you think that
23 Professor Barnett knows the model of the foot
24 control that accompanied the press brake in

1 1978?

2 A. I can't be sure if he knows the model
3 or not.

4 Q. Have you ever talked to him about the
5 model number?

6 A. No, I have not.

7 Q. So why did you answer Professor Barnett
8 if you don't know?

9 A. Because he was around then and he was
10 using -- he was around the presses and -- that
11 Heim was making at the time and he has a better
12 idea than I do. I was born in 1976.

13 Q. Have you -- has Professor Barnett ever
14 told you that he knew specifically what foot
15 control came with this particular press brake --

16 A. He --

17 Q. -- regardless of how old he is?

18 A. He has not told me that.

19 Q. Has anyone ever suggested to you that
20 he has any information as to what manufacturer
21 or what model foot control accompanied the sale
22 of this press brake in 1978?

23 A. I believe he has said that he knows the
24 type of footswitches that were in use at that

1 time.

2 Q. No, I am asking specifically about the
3 one that accompanied either the manufacturer or
4 the model that accompanied this particular Heim
5 press brake that's at issue in this litigation.

6 Has he ever suggested to you that he
7 knows which model or which manufacturer was
8 supplied with that press brake in 1978, this
9 particular one?

10 A. I believe that Heim itself has agreed
11 that it has been a Linemaster that's been on the
12 machines.

13 Q. Would you answer my question, sir.

14 MR. HARTMAN: Would you quit intimidating or
15 trying to intimidate.

16 MR. ROBINSON: The question --

17 MR. HARTMAN: -- the witness. I am going to
18 object to your being rude and sarcastic to
19 witnesses because you don't like their
20 testimony. You should show some sense of
21 decorum to this gentleman.

22 MR. ROBINSON: You explaining --

23 MR. HARTMAN: He came back here as a
24 courtesy.

1 MR. ROBINSON: -- professional behavior is
2 meaningless.

3 MR. HARTMAN: He came back as a courtesy to
4 you.

5 MR. ROBINSON: No, he came back because you
6 know he is required to come back because we
7 weren't given the full materials. Let me ask it
8 again.

9 MR. HARTMAN: You were given the full
10 materials.

11 MR. ROBINSON: Why don't you read back the
12 question please.

13 Please listen to the question.

14 And if you can't locate it, I know it.

15 (Whereupon, the record was read
16 as requested.)

17 THE WITNESS: He does know -- I believe he
18 has indicated that he knows that it is a
19 Linemaster that came with this machine.

20 BY MR. ROBINSON:

21 Q. Professor Barnett has told you that?

22 A. I believe so.

23 Q. And what did he tell you about that?

24 A. I don't believe we have necessarily had

1 a discussion directly at that as it has been
2 admitted that they used Linemaster.

3 Q. I don't want you to talk about what you
4 think has been admitted and what you may not
5 think has been admitted. My question --

6 A. I am answering the question.

7 Q. No, well, please listen to the
8 question. I will ask it again. Has
9 Professor Barnett ever told you that he knows
10 either the manufacturer or the model number of
11 the foot control that accompanied the sale, the
12 1978 sale of this press brake?

13 A. I believe he has indicated that he
14 knows that it was a Linemaster.

15 Q. And what did he tell you about that?

16 A. I can't recall any specifics as to what
17 he told me about that.

18 Q. Did he tell you how he would know such
19 a thing?

20 A. I believe he has said Heim has used
21 Linemaster exclusively for a long period of
22 time.

23 Q. Okay, that's something else you
24 remember him saying to you?

1 A. I believe so.

2 Q. Do you remember anything else about
3 this conversation with Professor Barnett as to
4 him knowing the actual manufacturer and model
5 number of the foot control that went with this
6 particular Model 70-6 press brake in 1978?

7 A. I do not.

8 Q. When you and Mr. Hartman had your
9 conversation about changing this report --

10 MR. HARTMAN: Objection to that -- framing
11 that question that way.

12 MR. ROBINSON: What's wrong with that?

13 MR. HARTMAN: Because you are indicating
14 here -- you are implying that I asked him to
15 change the report or that I was involved in
16 changing the report.

17 BY MR. ROBINSON:

18 Q. No. When you and Mr. Hartman -- did
19 you -- you have already indicated you and
20 Mr. Hartman had a conversation about this
21 changing the report; right?

22 A. I indicated that we had had a
23 discussion about the error.

24 Q. Right.

1 A. Of naming the 532.

2 Q. Right, and you would like to change
3 this report; is that right?

4 A. Yes.

5 Q. Okay. So when you and Mr. Hartman had
6 a conversation about changing the report, how
7 did that conversation take place? Was it via
8 telephone?

9 A. I believe so, yes.

10 Q. Who initiated that telephone call?

11 A. I am not certain as to who initiated
12 the telephone call.

13 Q. You don't know if Mr. Hartman called
14 you about it?

15 A. I don't -- I don't know if that -- if
16 that phone call was directly related to that
17 issue.

18 Q. Who was the first person to bring up
19 the perceived error in the report?

20 A. I was.

21 Q. And what caused you to learn about this
22 error?

23 A. Because of Mr. Switalski's report that
24 described the 532, and I looked into it and saw

1 that it was an error.

2 Q. And what about Mr. Switalski's report
3 are you referring?

4 A. I am referring to where he -- first
5 where he indicated that we had identified the
6 footswitch as a 532-SWH. That certainly gave me
7 pause in that I believe that it had been Heim
8 and that made me look at the interrogatories.
9 And I saw that -- I saw that Heim had no proof
10 as to the specification that you have right
11 there in your hands being -- that they had any
12 proof that that was the correct specification.

13 Q. No proof, what is that? What is
14 Barnett Exhibit D? Have you ever seen that
15 before?

16 A. I believe so.

17 Q. Do you know what that is?

18 A. That's the specification, A-470 that I
19 discussed earlier I believe.

20 Q. And what's the date of that drawing?

21 A. The date of the drawing is 7-9-74 in
22 the box below.

23 Q. That four years prior to the sale at
24 issue?

1 A. I believe so.

2 Q. Does that indicate to you what type of
3 footswitch was in use by Heim at any time?

4 A. I am not exactly sure what it indicates
5 to me other than a list of footswitches.

6 Q. Does it indicate to you -- are you able
7 to glean any information from that document as
8 you review it as to whether or not it indicates
9 that Heim was using any particular footswitches
10 at any particular time?

11 A. I don't understand the -- I don't
12 understand the two entries on the sheet here,
13 the one that's handwritten and the one that's
14 typed. I don't understand what the difference
15 there is.

16 Q. Does this tell you, sir, what type
17 of -- what model of foot control was sold by
18 Heim at any given time with its machinery?

19 A. It lists footswitches, and it says used
20 on all presses at the bottom.

21 Q. Does it give you any dates as to when
22 particular models were used?

23 A. Like the first date is 7-9-74 at the
24 bottom.

1 Q. Yeah, and does it indicate to you in
2 any way as to what was in use at that time from
3 1974, the date you just read?

4 A. Well, they have a notation 1 that I
5 don't see anywhere on here, that on 11-9-82 the
6 511B4 was 532-SWH.

7 Q. Does that suggest to you that prior to
8 November 9, of '82, they used a 532 and that it
9 was changed on November 9th of '82 to a 511B4?

10 A. It's -- I have no idea what the No. 1
11 notation is. No. 2 here has a note up here and
12 No. 1 doesn't have one.

13 Q. Does this suggest to you at all, sir,
14 that they were using a 532 as of 19 -- as of
15 July 9, '74, and as of November 9 of '82, they
16 switched it to a 511B4?

17 A. I can't be sure that that's what this
18 means.

19 Q. Have you had any conversations with
20 anyone including Mr. Hartman about that issue?

21 A. I have had discussions after I found
22 the interrogatory that said that they had this
23 and couldn't prove that this meant anything with
24 the machine. And I have had discussions that --

1 regarding my error in identifying it as a 532
2 based off of this.

3 Q. Have you spoken with Mr. Hartman about
4 this document?

5 A. I believe so.

6 Q. And by this document I am referring to
7 Barnett Exhibit D.

8 A. I believe so.

9 Q. Would you tell the court and jury the
10 content of the conversation that you had with
11 Mr. Hartman about that document.

12 A. I believe I mentioned that I had
13 pulled -- when I noticed that I was in error, I
14 believe that I notified him in some
15 conversations, like I said before I am not sure
16 if I called him or he called me, and I brought
17 this up in conversation that the 532 mentioned
18 the report was in error and I had pulled it off
19 of this sheet here. And I believe he directed
20 me to the interrogatories.

21 Q. Have you read something that says that
22 a 532 was not in use in 1978?

23 A. No, only that they had no proof that
24 this was correct.

1 Q. The only document that we have is
2 something that suggests that a 532 was in use
3 from 1974 until 1982; would that be accurate?

4 A. The only document that's been supplied
5 about switches by Heim I suppose.

6 Q. And nothing else to suggest anything
7 other than a 532 from 1974 to 1982; would that
8 be accurate?

9 A. I don't believe so. It is usually the
10 Heim corporate designees nor the interrogatories
11 being able to note that this was the footswitch
12 in use.

13 Q. What do those interrogatory answers say
14 that you are referring to?

15 A. It is the second set of
16 interrogatories, second request No. 4.

17 Q. Yeah, and what does it say?

18 A. Can I pull it out of here?

19 Q. Sure. What do you remember it saying
20 while you are looking?

21 A. Well, I remember it saying that they
22 have included this specification, but they have
23 no proof as to it being the correct
24 specification.

1 Q. Did you read the other interrogatory
2 responses that also address that issue?

3 A. I can't be certain.

4 Q. About the inability to confirm what was
5 actually sold because of the absence of people
6 involved with the sale being present?

7 A. I don't recall seeing that.

8 Q. Do you have the answer in front of you?

9 A. Oh, for the previous question, yes.

10 Q. And there is a flag on there with an
11 arrow?

12 A. Yes, sir.

13 Q. Who put that on there?

14 A. I did.

15 Q. And when did you put that on there?

16 A. I put that on there last night.

17 Q. Why was that?

18 A. I was giving this to Professor Barnett.

19 Q. Was Mr. Hartman present as well?

20 A. Not when I put this on.

21 Q. And why did you put that on there?

22 A. Because I wanted to draw his attention
23 to that.

24 Q. For what purpose?

1 A. Because of the error in the report.

2 Q. When did you note the error?

3 A. When I received Switalski's's report.

4 Q. Which was when, sir?

5 A. Which was I believe -- I can't remember
6 what day they came in. It was a Wednesday or a
7 Thursday evening.

8 Q. How long ago approximately?

9 A. Two weeks perhaps.

10 Q. How come a revised report wasn't
11 prepared for these depositions?

12 A. It had been discussed, we hadn't
13 prepared it. We had other work we had been
14 doing.

15 Q. Was there any discussions about
16 preparing a revised report?

17 A. Yes.

18 Q. And providing it to us so that we knew
19 prior to today and prior to asking questions on
20 the issue about the error?

21 A. There were no discussions about that.

22 Q. Did you have discussions about -- I
23 thought you just answered that there were
24 discussions.

1 A. We had discussions about writing
2 revised report, but -- not --

3 Q. Did you have cushions with Mr. Hartman
4 about that?

5 A. I believe I may have indicated to him
6 that we wanted to correct that.

7 Q. This indicates Heim has searched its
8 records to determine if any drawings or
9 specifications exist with regard to the foot
10 pedal that was supplied with the Model 70-6
11 press brake at issue. The attached drawing may
12 be a drawing for the footswitch supplied with
13 the press brake at issue. Is that what it says?

14 A. I didn't see the emphasis there on the
15 may be. I saw it more on the may, but may be --

16 Q. Did I read it correctly, sir? Sir, I
17 am going to continue reading. Have I read it
18 correctly so far? Have I read the words
19 correctly, sir?

20 A. I believe you added emphasis that
21 wasn't necessarily there.

22 Q. Strike out the issue with the emphasis.

23 MR. HARTMAN: No, no, we are not striking
24 anything.

1 BY MR. ROBINSON:

2 Q. Have I --

3 MR. HARTMAN: Wait, wait, for the record,
4 for the record we don't strike anything at your
5 request. We are going to have exactly --

6 MR. ROBINSON: Who is we?

7 MR. HARTMAN: Me, I don't -- I am
8 instructing Mr. Ulmenstein not to strike
9 anything at Mr. Robinson's without concept from
10 me because once again he tries to play games and
11 misconstrue what is really there.

12 And when the witness on his own
13 admission picks it up, he doesn't like it and
14 then he wants to strike --

15 MR. ROBINSON: I don't know what you are
16 talking about. Tell me when you are done. I
17 will move on.

18 MR. HARTMAN: Okay.

19 MR. ROBINSON: Are you done?

20 MR. HARTMAN: Yep.

21 BY MR. ROBINSON:

22 Q. Let me read it again. I don't want you
23 to worry or comment upon any inflection that you
24 may think I have mentioned in my voice or any

1 emphasis. The only thing I want to know is if I
2 am reading it correctly for the court.

3 A. I believe since it is a videotape
4 deposition that the emphasis certainly matters.

5 Q. Sure, it may to you and that's fine.
6 You have made your point. But for my purposes
7 now let me at least see if I read this
8 correctly, "Without waiving these objections,
9 Heim has searched its records to determine if
10 any drawings or specifications exist with regard
11 to the foot pedal that was supplied with the
12 Model 70-6 press brake at issue. The attached
13 drawing may be a drawing for the footswitch
14 supplied with the press brake at issue
15 considering the date of the drawing, but Heim
16 has no ability of verifying this;" do you see
17 that?

18 A. I do.

19 Q. So the only response that you have from
20 Heim is that it, in fact, may be but there is no
21 ability to verify it; is that accurate?

22 A. I am not certain if that's the only --
23 the only response that we have that indicates
24 that they can't verify.

1 Q. What does it say about any other issue
2 regarding whether or not it is -- that's a
3 drawing of the footswitch that was supplied in
4 1978 other than that it may be, but there is no
5 ability to verify it? What other substance is
6 there that I am missing?

7 A. I can't say that it is the only
8 indication in any of the materials produced by
9 Heim. That's --

10 Q. That's the only one you know of today,
11 right now; right?

12 A. Right now, currently, yes.

13 Q. So why was it that you decided that the
14 reference to the 532 being sold in 1978 was in
15 error if this says that it may be, there is just
16 no ability to verify? Why would you say it is
17 in error?

18 A. Because the footswitch that was
19 observed was not a 532.

20 Q. This is the footswitch that was
21 observed after the accident?

22 A. Yes.

23 Q. And you have no ability to confirm that
24 that's the same one that was sold at the time

1 the machine was sold in '78; do you?

2 A. I have no ability to say either way.

3 MR. ROBINSON: Okay, I don't have any
4 further questions.

5 MR. HARTMAN: I have one question.

6 EXAMINATION

7 BY MR. HARTMAN:

8 Q. I need Professor Barnett's report.

9 There has been a lot of fuss made about the 532
10 identification of the foot control. Would you
11 please look at Page 2, the last paragraph under
12 identification.

13 A. Yes.

14 Q. After you identify the switch as a 532,
15 does that -- does the next paragraph describe
16 what it is that you are identifying as a 532
17 switch in your mind at the time you prepared
18 this report?

19 A. I believe so. I believe that the --
20 the -- that last paragraph there was written
21 previous to entering the model number.

22 Q. And when you are trying to enter the
23 model number for 532, were you trying to
24 accurately describe what that paragraph is as it

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1 describes the foot pedal at the time of the
2 accident and at the time of the sale of the
3 machine by Heim?

4 A. I believe so.

5 MR. HARTMAN: I have no further questions.

6 MR. ROBINSON: Let's mark this answer to
7 interrogatory as our next exhibit. We will mark
8 it as Ulmenstein Exhibit B.

9 MR. HARTMAN: Are we done with him?

10 MR. ROBINSON: No.

11 MR. HARTMAN: Okay.

12 (Whereupon, Ulmenstein
13 Deposition Exhibit B was marked
14 for identification.)

15 FURTHER EXAMINATION

16 BY MR. HARTMAN:

17 Q. I am going to have you read that
18 paragraph as well. Would you please read the
19 paragraph that describes the foot pedal in
20 question that you were labeling as a 532.

21 A. From Page 2 of Triodyne's report,
22 Section 3, third paragraph, "Photographs taken
23 of the accident footswitch illustrate a
24 Linemaster footswitch which is not constructed

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1 with a safety gate. It is constructed with an
2 antitrip treadle mechanism, a latch that
3 requires a certain foot insertion into the
4 switch to depress the pedal. Figure 1 below is
5 a page from the 1977 Linemaster catalogue which
6 illustrates the Linemaster model shipped by Heim
7 and used by Miss Lindquist at the time of her
8 accident."

9 Q. Did you intend that the Figure 1 below
10 be the foot control that has the latch in the
11 back?

12 A. The antitrip treadle mechanism, yes.

13 MR. ROBINSON: I will object to the form of
14 the question.

15 MR. HARTMAN: I have no further questions.

16 FURTHER EXAMINATION

17 BY MR. ROBINSON:

18 Q. On Ulmenstein Exhibit B I noticed that
19 the first page actually has some handwriting on
20 it as well.

21 A. Yes, sir.

22 Q. And who wrote that?

23 A. I believe that is Professor Barnett's
24 handwriting.

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1 Q. And what does that say?

2 A. It says, No. 7 important.

3 Q. No. 7 or No. 4?

4 A. I believe it says No. 7.

5 Q. Do you know why No. 7 would be
6 important?

7 A. I can't recall at this time.

8 Q. Do you want to read No. 7 and see if
9 that refreshes your memory.

10 A. I can't be certain as to why he
11 identified it as important. It indicates that
12 the present supplier of foot pedals is
13 Linemaster, and prior to purchasing foot pedals
14 from Linemaster Switch Corporation, Heim
15 believes that foot pedals were purchased from
16 Electrokinetics which was believed to be a
17 dealer for Linemaster.

18 Q. Have you ever heard of Electrokinetics?

19 A. I have not.

20 Q. Has anyone ever suggested to you that
21 the foot control that was sold in 1978 had an
22 antitrip mechanism?

23 A. Yes, sir.

24 Q. Who is that?

1 A. I believe Professor Barnett.

2 Q. What did he tell you about that?

3 A. I believe he has stated that the foot
4 switches in use at that time had antitrip
5 treadle mechanisms.

6 Q. Did he tell you that they also sold
7 ones without antitrip mechanisms?

8 A. I know that on my own from catalogues.

9 Q. Do you -- Professor Barnett has told us
10 that other than the antitrip mechanic, the foot
11 control would appear identical between the 532
12 and the 511, the one with the antitrip and the
13 one without, would you agree with that?

14 A. I believe so.

15 Q. Do you know if the foot control that
16 was used by Tina -- how do you know that the
17 foot control that was used by Tina Lindquist had
18 an antitrip mechanism?

19 A. I believe that the coworkers had stated
20 it and that the pictures show an antitrip
21 treadle mechanism.

22 Q. And Professor Barnett pointed to this
23 particular picture, 29 of Exhibit B, is that
24 what you are referring to?

1 A. I believe so.

2 Q. Can you definitively tell from looking
3 at that photograph that the foot control shown
4 in there contains an antitrip mechanism?

5 A. I believe it shows an antitrip treadle
6 mechanism. I can't definitively say whether or
7 not that is what that is on the photograph.

8 Q. And while we are on the record,
9 Mr. Hartman, I know these are your photographs.
10 I'd like to get originals and actually copies of
11 the negatives for this particular photograph.

12 MR. HARTMAN: If they -- I can get you
13 copies of originals. I don't know if I have
14 negatives. I hope I do.

15 MR. ROBINSON: Yeah, there would be no
16 reason for you to throw those away I am sure.

17 MR. HARTMAN: I didn't take the pictures.

18 MR. ROBINSON: Who did?

19 MR. HARTMAN: Whoever was my investigator at
20 the time.

21 MR. ROBINSON: Do you know who that is?

22 MR. HARTMAN: No, not at this point in time
23 I don't know who the investigator is.

24 MR. ROBINSON: Okay, I would like to try to

1 get those as quickly as we can so that we have
2 the finest quality.

3 MR. HARTMAN: That's a fair request.

4 MR. ROBINSON: You see what I am doing, the
5 finest quality of picture.

6 MR. HARTMAN: If they exist, if they exist,
7 you will have them.

8 MR. ROBINSON: Thank you very much.

9 MR. HARTMAN: And if all I have is my
10 originals, I will make them available for you as
11 well.

12 MR. ROBINSON: Okay, great. Okay, that was
13 it. Thank you, sir.

14 MR. HARTMAN: We are not going to waive.

15 THE VIDEOGRAPHER: Off the record at 5:26 p.m.

16 (Discussion off the record.)

17 MR. HARTMAN: With regard to the scheduling
18 of the expert witnesses, we had both
19 Mr. Switalski scheduled for tomorrow morning and
20 if we were able to conclude him, we were going
21 to try to start Mr. Hutter.

22 We had scheduled next Wednesday for
23 Mr. Hutter in the event we were not able to get
24 to him. I have -- as a courtesy I have notified

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1 Mr. Robinson that I do not anticipate nor do I
2 expect that we will get to Mr. Hutter and that
3 he should not -- he is not required nor should
4 he produce him tomorrow because I won't get to
5 him in time for us to be out of Chicago and that
6 I am going to take his deposition on Wednesday
7 as we had scheduled that our backup day.

8 (FURTHER DEPONENT SAITH NOT)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF DuPAGE)

4 I, Patricia L. Wangler, a notary public
5 within and for the County of DuPage and State of
6 Illinois, do hereby certify that heretofore,
7 to-wit, on the 6th day of April, 2006,
8 personally appeared before me, at
9 33 North LaSalle Street, Illinois, MATTHEW
10 ULMENSTEIN, in a cause now pending and
11 undetermined in the United States District
12 Court, wherein TINA LINDQUIST is the Plaintiff,
13 and HEIM, L.P., is the Defendant.

14 I further certify that the said witness
15 was first duly sworn to testify the truth, the
16 whole truth and nothing but the truth in the
17 cause aforesaid; that the testimony then given
18 by said witness was reported stenographically by
19 me in the presence of the said witness, and
20 afterwards reduced to typewriting by
21 Computer-Aided Transcription, and the foregoing
22 is a true and correct transcript of the
23 testimony so given by said witness as aforesaid.

24 I further certify that the signature to

120

1 the foregoing deposition was not waived by
2 counsel for the respective parties.

3 I further certify that the taking of this
4 deposition was pursuant to Notice, and that
5 there were present at the deposition the
6 attorneys hereinbefore mentioned.

7 I further certify that I am not counsel
8 for nor in any way related to the parties to
9 this suit, nor am I in any way interested in the
10 outcome thereof.

11 IN TESTIMONY WHEREOF: I have hereunto
12 set my hand and affixed my notarial seal this
13 10 day of APRIL, 2006.

14

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Patricia J. Wanger

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NOTARY PUBLIC, DuPAGE COUNTY, ILLINOIS

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LIC. NO. 084-002417

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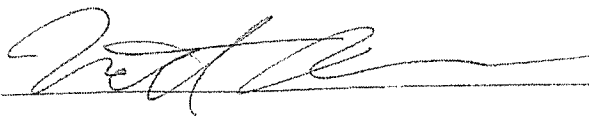
23

24

I WISH TO MAKE THE FOLLOWING CHANGES FOR THE FOLLOWING REASONS:

<u>PAGE</u>	<u>LINE</u>	
<u>1</u>	<u>10</u>	CHANGE: <u>ULMENSTEIN SHOULD BE ULMENSTINE</u> REASON: <u>CORRECT SPELLING</u>
<u>3</u>	<u>3</u>	CHANGE <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>4</u>	<u>8</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>5</u>	<u>3</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>5</u>	<u>11</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>5</u>	<u>12</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>10</u>	<u>12</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>

(SIGNED)

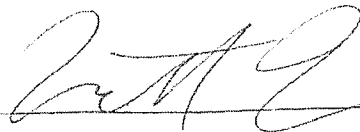


#1 OF 4

I WISH TO MAKE THE FOLLOWING CHANGES FOR THE FOLLOWING REASONS:

<u>PAGE</u>	<u>LINE</u>	
<u>13</u>	<u>13</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>14</u>	<u>9</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>17</u>	<u>9</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>21</u>	<u>22</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>22</u>	<u>15</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>22</u>	<u>21</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>23</u>	<u>10</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>

(SIGNED)

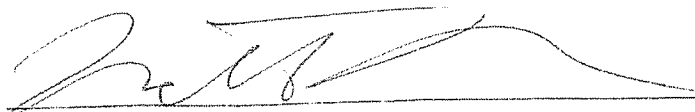


#2 of 4

I WISH TO MAKE THE FOLLOWING CHANGES FOR THE FOLLOWING REASONS:

<u>PAGE</u>	<u>LINE</u>	
<u>23</u>	<u>12</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>33</u>	<u>9</u>	CHANGE <u>Arca to ARCCA</u> REASON: <u>SPELLING / NAME OF COMPANY</u>
<u>42</u>	<u>1</u>	CHANGE: <u>peddle to pedal</u> REASON: <u>spelling</u>
<u>43</u>	<u>8</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>44</u>	<u>4</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>66</u>	<u>21</u>	CHANGE: <u>ULMENSTEIN → ULMENSTINE</u> REASON: <u>SPELLING</u>
<u>89</u>	<u>9</u>	CHANGE: <u>Arca to ARCCA</u> REASON: <u>SPELLING</u>

(SIGNED)

 #3 of 4

I WISH TO MAKE THE FOLLOWING CHANGES FOR THE FOLLOWING REASONS:

PAGE

LINE

107

3

CHANGE: cushions to discussions

REASON: misheard word

108

8

CHANGE ULMENSTEIN → ULMENSTINE

REASON: SPELLING

112

1

CHANGE: ULMENSTEIN → ULMENSTINE

REASON: SPELLING

113

Abstract

CHANGE: ULMENSTEIN → ULMENSTINE

REASON: SPELLING

CHANGE:

REASON: _____

CHANGE:

REASON: _____

CHANGE:

REASON: _____

(SIGNED)

(SIGNED) 2072 #4 of 4